

HOUSE NATURAL RESOURCES COMMITTEE MINUTES
January 19, 1983

The House Natural Resources Committee convened on Wednesday, January 19, 1983, in Room 224K of the State Capitol, at 12:30 p.m. with Vice-Chairman Ream presiding and all members present except Rep. Nordtvedt, who was absent, and Reps. Neuman and Quilici, who were excused. Vice-Chairman Ream opened the meeting to a hearing on HB 68.

HOUSE BILL 68

REPRESENTATIVE HAL HARPER, District 30, chief sponsor, said this bill was seen by the previous legislature and, if not passed, will be seen by future legislatures as there is a problem. There is no noise emission controls on motorboats. Off-the-road bikes is the only other motor vehicle not covered by emission controls. He said he felt the bill last year was killed because of a racing group from Washington that came in and opposed the way a state agency would be able to arbitrarily enforce and refuse to license. He said Mr. Miller of the Fish and Game Department was present to answer questions.

BILL CHRISTIANSEN, Canyon Ferry Recreation Association, said their association has 300-350 people who support the bill and he was speaking on their behalf. He said most of the boats manufactured other than racing boats comply with the standards already. The problem is these boats that do qualify when purchased can be altered. However, if a boat can be altered it could have the alteration reversed and again be under the needed standard. He said in fairness to racing boats the bill has language that permits can be had. He also suggested that perhaps with a little conversion the boats would be in compliance and could be used for other recreation also. He suggested taking the stacks and putting them in the water to exhaust them or if the stacks come up to put on mufflers.

WILLIAM LEARY, Canyon Ferry Recreation Association, said he owned a cabin close to Orchard Beach. He said the 300 members of the organization come from Butte, Bozeman, Great Falls, Helena and East Helena. He said many of the cabins are used on the weekends and become a refuge from the hassle of everyday life. He said for the past five years the high powered boats seem to have formed a habit of setting right off Orchard Beach and when they take off the noise is ear shattering. He said the Association looks at HB 68 as a reasonable approach to the task of limiting the noise factor. On all lakes this will help. ~~The bill is fair to all parties.~~ It permits racing of the boats and goes a long way to a future reduction of the noise factor that is disturbing to all people and could have some possible damage to the people who drive the boats. He urged the passage of the bill.

ROBERT M. MILLER, Safety Administrative Officer of the Department of Fish, Wildlife and Parks, spoke next and a copy of his testimony is Exhibit 1.

KEN HOOVESTOL, Montana Marine Trade Association, Great Falls, said this bill does not establish any new sound level as this level has been established under federal law. What it does is give the local enforcement people the ability to enforce it. He said all boats manufactured even prior to 1978 do comply with the standards. The boats that don't are the modified ones. He said his association represents retailers and resort owners. He said two years ago he personally wrote some of the amendments to protect the racers' rights.

DAVID B. LACKMAN, Montana Public Health Association, spoke in support and a copy of his testimony is Exhibit 2 of the minutes.

TOM HANSON, One Way Marine and Montana Boat and Ski Club, Inc., spoke in support. He mentioned the headers that can be used to modify the boats. He said they are quite an investment and make a nice looking boat. He added that mufflers can be used to retrofit inside the headers so they can be rectified without completely re-doing the exhaust system. He said the Montana Boat and Ski Club at their last meeting discussed this piece of legislation and endorsed it.

GORDON BRUCE, representing self, said he was a resident at Lakeside. He said the area has many year-round residents. He had a tape of the noise of the motorboats taken from within his home which he played for the committee.

RAY WHALE, representing self, said he lived on Magpie Bay and that you have to experience the loud cracking noise these boats produce as they practice up and down Magpie Bay to believe it.

HUGH KELLEHER, representing self, said he was one of the lucky ones that had a cabin on Canyon Ferry. He said he was especially aware of noise control because of his work at the airport. He had a handout that compared noise levels and a copy of this is Exhibit 3 of the minutes. This was to indicate just how loud 82 decibels is. He said it would still be a noise but a step in the right direction. He said when one of these boats go by everything stops. He felt it has effects on the nervous system. He urged support of the bill.

PHILIP W. CONOVER, representing self, spoke next and a copy of his testimony is Exhibit 4 of the minutes.

DONALD ESPELIN, representing self, said it was not true that all complainers came from Canyon Ferry. He said he had had a cabin on Holland Lake and on one occasion a group of noisy boats invaded their quiet lake. They were removed by the local sheriff and the boaters' fear of their own safety. He said it wasn't the cabin owners that did this but the people in a nearby campground. He questioned the excuse advanced for racing boats that the owners had a lot of money invested. He said if he had a \$126,000 Rolls Royce and put on the same headers, he would be stopped within three blocks and put in the hoosegow. He said people race cars in designated areas and boats could do the same. He said hearing loss is one of the leading cause of disability right now. He said Montana is one of the last states in the nation to regulate these noisy boats.

BOB TUBBS, Manager, Gates of the Mountains Marina, spoke in support of the bill. He said they have about 150 members in their association.

REPRESENTATIVE ACEY said he was from the Fort Peck area and had promised ART COMUTT to put in his two bits in support of the bill.

Leaving written testimony in support of the bill were:

Luella Balkema, Exhibit 5
Alice Omang, Exhibit 6
Robert Omang, Exhibit 7
Mark Radcliffe, Exhibit 8

BENJAMIN C. GOODWIN, representing self, signed as an amender. He said he was the owner of a white water river boat. He said he is completely out of the area the bill is directed against. He said he uses an outboard jet such as the search and rescue units and Fish and Game use. He said the bill sees it necessary to exclude these from the bill and that makes him believe he may be in violation of the bill. He said he had contacted his manufacturer and was working hard to reduce the noise level of his unit but so far he didn't think it was down far enough. He said he was unable to get decibel figures from the manufacturer. Also, he said his operation is different from the boats in question. He is running on the rivers and would pass down and go on to his destination. He might pass a home twice in a day's activity. Secondly, he felt to reduce the noise they might have to go to in-boards and these would leave a much larger wake which could be a bigger annoyance than the slightly higher noise level. He felt outboard jets should be exempt from limitations except require coaxial discharge and exhaust or else manufacturers should be allowed more time to comply.

PHIL LEUTSCHAFT, representing self, Butte, said he felt the bill could open a can of worms. He felt the additional \$1 for the permit would be a precedent which would lead to more increases. He said he already has a lot of money tied up in his boat and the season for using it is very short. He said he didn't feel the noise was that bad - the tape recording didn't sound that bad to him and a blender would make more noise. He didn't feel the boaters intentionally harassed people. He said restrictions on the exhausts will cause an increase in fuel consumption which is already unreal. He said more than likely the boats sit out in the lake as much as they are run because of this. He asked how many of these people that live around a lake burn fire wood and have a chain saw - and how long is it run and what does it do to theirs and their neighbors' ears. He felt there were modern appliances that make more noise than the decibels they were trying to meet.

WALLY G. HOLSTEN, Montana Power Boat Association, explained what a racing boat was. He said a racing boat is required to have a number and if it doesn't it is not a racing boat. He questioned the permits - who is to see that a loud-boat owner doesn't go and get a permit and race his boat seven days a week. He said boat racers try to do their testing during the week and in the middle of the afternoons.

STEVE FLANSAAS, spoke as an opponent, saying he owned an open-header boat. He said the taxes for the registration of his boat is severe. He felt that he paid for the privilege of having a boat that is a little louder because as the horsepower goes up so does the price of the registration sticker. He said he liked his boat. He felt the bill would penalize a person who buys a used boat and he reiterated the fact that a chain saw or lawn mower doesn't seem to bother people too much.

PHIL LEUTSCHAFT asked permission to add a comment. He said who is to say how much the permits will be. He added that the off-road-dirt bikes were as much of a nuisance as far as noise was concerned.

MR. GOODWIN added that the bill was not quite clear on twin installations.

REPRESENTATIVE HARPER in closing said all people have a right to some degree of quietness and the people in proximity to lakes are being deprived of this right. He said Robert Miller would be the best one to ask technical questions of.

During questions Rep. Curtiss questioned on page 3, new section, where it says that local authorities do not have any jurisdiction to change the decibel level. Rep. Harper said manufacturers have a problem if the level is different for each locality.

Rep. Hand asked if the department doesn't already have authority to stop this. The answer was that they cannot stop anyone from making as much noise as they want with their motorboats. They need legislative authority to do that.

Rep. McBride asked how Mr. Miller's problem could be addressed. Rep. Harper replied there would always be a gray area. He said these things work themselves out given a little time.

Rep. Curtiss asked about the permits - how long they would be valid for and how often could they get them. Rep. Harper said the local entities would handle that. Rules would need to be made by the Fish, Wildlife and Parks Department. Public hearings would be held in this process and boat racers and others can have input at that time.

In response to a question, Mr. Miller said this was an identical bill to the one in California. He said they deal with the same racer group as Mr. Holsten represents and they have had no problems with the permits. California's bill has been in force since 1974.

Rep. Fagg asked how come the 86 decibels. Mr. Miller said this sound level came from a government study of all types of motor noises. They found that 86 is the level where you are starting to get ear damage.

In response to a question, Mr. Miller said they measure the level at 50 feet from the machine with their meter.

Vice-Chairman Ream closed the hearing on HB 68 and Chairman Harper resumed the chair and opened the meeting to executive session.

EXECUTIVE SESSION

HOUSE BILL 98 Chairman Harper asked the researcher, John Carter, to explain the amendment which was penciled in a copy of the bill and passed to the members. A copy of this is Exhibit 9 of the minutes. He said he had consulted with Larry Mitchell and Bill Romine and they are agreeable to the amendment and the bill as amended. Rep. Jensen moved DO PASS. Rep. Mueller moved the amendments and the motion carried unanimously with those present (absent were Reps. Neuman, Nortvedt, Quilici and Fagg). Rep. Jensen added to his motion AND AS AMENDED DO PASS and this motion carried unanimously with those present (absent the same). Meeting adjourned at 2 p.m.

Respectfully submitted,



HAL HARPER, CHAIRMAN

Emelia A. Satre, Secretary

VISITOR'S REGISTER

HOUSE NATURAL RESOURCES

COMMITTEE

BILL HOUSE BILL 68DATE 1/19/83SPONSOR HARPER

NAME	RESIDENCE	REPRESENTING	SUP- PORT	OP- POSE
TOM HANSON	HELENA	ONE WAY MARINE MONTANA BOATSKI CLUB INC.	✓	
Bob Tubbs	HELENA	Wm. Gates of the MT. NAT.	✓	
RAY WHALE	HELENA	Frank Person	✓	
Robert M Miller	Helena	Dept Fish Wildlife Parks		
Hugh R Kelleher	Helena	Kelleher	✓	
Donald Espelin	Helena	Silent Majority	✓	
Luella Barker	Helena	Lake Homeowner	✓	
Alice Barker	Helena	Homeowner Lake	✓	
Phil Leutsch	BUTTE	-		✓
Lila Spangrud	Helena	homeowner -	✓	
Evel Conover	Helena (Canyon Ferry)	homeowner	✓	
Philip W. Conover	Canyon Ferry	Land Owner	✓	
Leo Spangrud	" "	Cabin owner	✓	
Ben Goodwin	Great Falls	River boat owner		✓
Gordon Bruce	Helena, MT.	Homeowner	✓	
David Lockman	" "	MT Public Health Assn	✓	
Steve Hansen	" "	boat owner		✓
Bob Varon	HELENA	" "		✓
WALLY GILSON	HELENA	MONTANA BOAT RACING ASSOCIATION		
Bill Christensen	"	CFR ASSN	✓	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITOR'S REGISTER

HOUSE

COMMITTEE

BILL *HOB 68*

DATE 1/19/83

SPONSOR HARPER

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

STATEMENT OF INTENT

_____ Bill No. _____ [LC 336]

A statement of intent is required for this bill because it delegates rulemaking authority to the Department of Fish, Wildlife, and Parks to adopt rules prescribing:

(1) the manner of certification by manufacturers of outboard motors and other marine engines manufactured after January 1, 1982, as having been tested and found to comply with the noise level limit in section 1;

(2) the testing procedures employed to determine compliance on a voluntary basis by owners of outboard motors and other marine engines manufactured before January 1, 1982.

As prescribed in section 2 of the bill, the testing procedures employed to determine outboard and marine engine noise must comply with the exterior sound level measurement procedure for pleasure motorboats recommended by the society of automotive engineers in its recommended practice designated SAEJ34. The Department shall establish a program throughout the state whereby boaters can voluntarily have their motorboats checked for compliance with the noise level limit in section 1.

TESTIMONY

House Bill 68

I am Robert M. Miller, Safety Administrative Officer for the Department of Fish, Wildlife & Parks, and I was requested to bring over our file on motorboat noise.

The sound levels that are mentioned in the bill are in line with government levels, and all boat motor manufacturers are meeting these levels now.

Also, the bill is drafted following the Model Act of the National Association of State Boating Law Administrators.

The file I have here contains information about boat noises and letters of complaints from people about the subject. Some of the letters date back to 1977 and cover several areas of the state.

It would not be possible under our present or proposed budget, for our Enforcement Division to absorb the costs of administering the Act without additional funding as provided in this bill.

I would be happy to answer any questions you might have about this subject.

WITNESS STATEMENT

NAME David B. Lackman BILL No. H1368
 ADDRESS 1400 Winne Ave. Helena DATE Jan. 19, 1983
 WHOM DO YOU REPRESENT Lobbyist for Montana Public Health Assn.
 SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments: (1) Although bill applies to only a few boats in Montana; the noise created by these few is a health problem.
 (2) Exposure to > 85 decibels for periods of time does contribute to decrease in hearing acuity. This becomes more noticeable e.g.
 (3) Nuisance problem: e.g. Painted Rocks Lake.
 (4) Have seen rocks rolling on road when ^{such} boats roar down the Lake —
 (5) Testified Last Session — This is a better bill.
 (6) Good example of cooperation — snowmobile manufacturers. Originally was a problem — much less now.

WITNESS STATEMENT

NAME Gordon Bruce BILL No. 68
ADDRESS 5395 N. MT. Ave. DATE 1-19-83
WHOM DO YOU REPRESENT PERSONAL "Homeowner"
SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

I have a tape recording, if permissible, of a motor boat
travelling across the water near my residence at "Lakeside"
near Lakeside Marina.

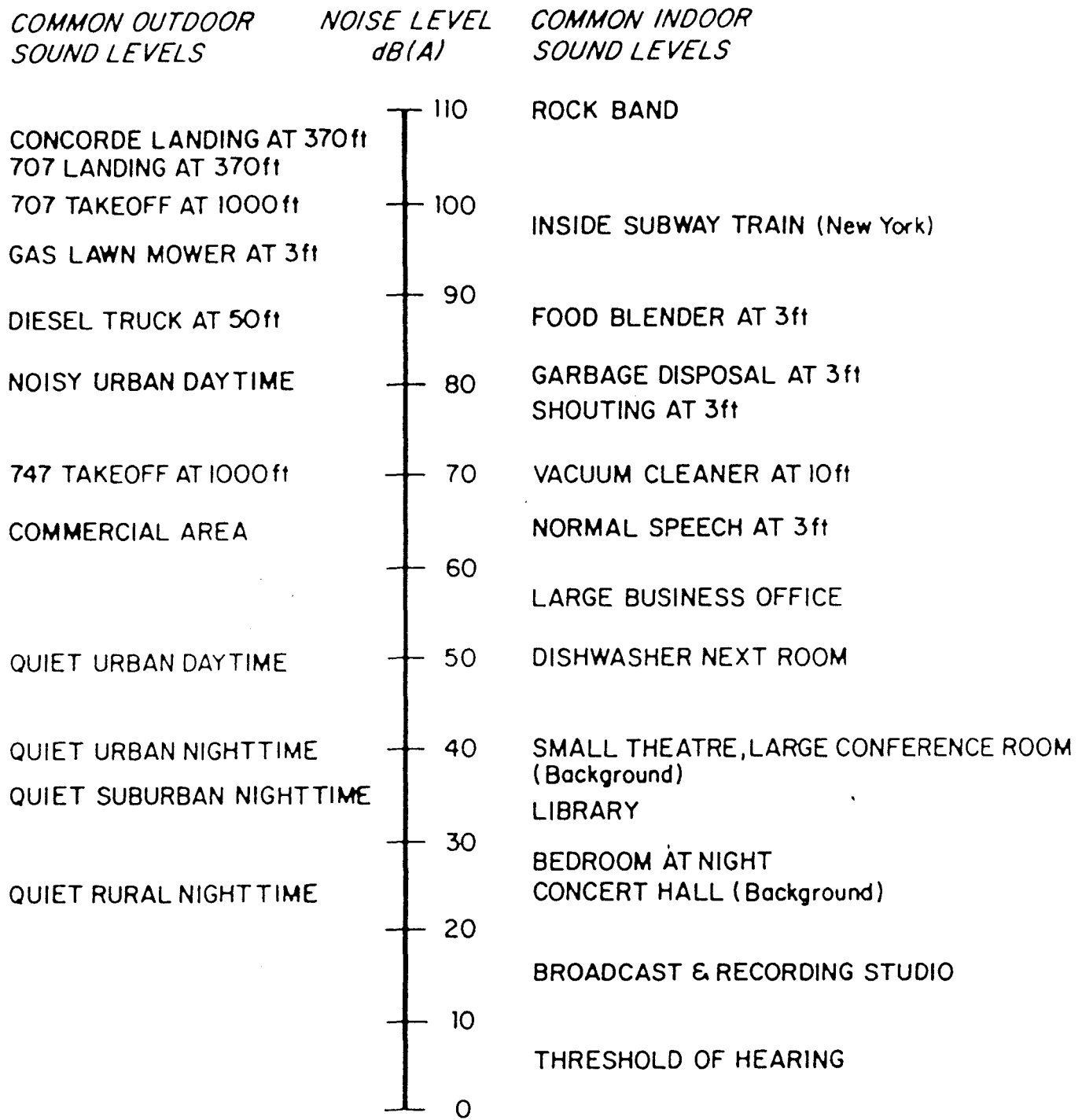


FIG. 7. COMMON SOUND LEVELS.

Certificated noise levels of several of these smaller aircraft are shown in Table 6.

TABLE 6. NOISE LEVELS OF REPRESENTATIVE LIGHT PROPELLER AIRCRAFT.

Airplane	Measured/Estimated dBA	Part 36 Limit dBA
Beech C 18 S	86.0	82.0
56 TC	82.0	82.0
95-B55	78.0 - 84.0*	82.0
Cessna 150 D	67.0	69.7
172	72.0	74.0
310 F	81.0	82.0
Mooney M-20F	75.0	76.6
Piper PA-18-150	70.0 - 72.0*	70.6
PA-30	76.0	81.6
PA-31-350	87.0	82.0

*Value depends on propeller used.

**Department of Transportation/Federal Aviation Administration
Aviation Noise Abatement Policy, 18 November 1976**

In recent years, the FAA has become active in dealing with the airport noise problem through means other than source control. On November 18, 1976, the DOT/FAA Aviation Noise Abatement Policy was issued jointly by the Secretary of Transportation and the Administrator of the FAA. This policy addresses itself to the shared responsibilities of those who must act to alleviate the noise problem - industry, government, and private citizens.

TABLE 1

SOUND LEVELS (dBA) AND LOUDNESS OF ILLUSTRATIVE NOISES
IN INDOOR AND OUTDOOR ENVIRONMENTS

dB(A)	OVER-ALL LEVEL	COMMUNITY (Outdoor)	HOME OR INDUSTRY (Indoor)	LOUDNESS (Human Judgment of Different Sound Levels)
130	UNCOMFORTABLY LOUD	Military Jet Aircraft Take-Off With After-Burner From Aircraft Carrier @ 50 Ft. (130)	Oxygen Torch (121)	120 dB(A) 32 Times As Loud
120		Turbo-Fan Aircraft @ Take-Off Power @ 200 Ft. (118)	Riveting Machine (110) Rock-N-Roll Band (108-114)	110 dB(A) 16 Times As Loud
110	VERY LOUD	Jet Flyover @ 1000 Ft. (103) Boeing 707, DC-8 @ 6080 Ft. Before Landing (106) Bell J-24 Helicopter @ 100 Ft. (100)		100 dB(A) 8 Times As Loud
100		Power Mower (96) Boeing 737, DC-9 @ 6080 Ft. Before Landing (97) Motorcycle @ 25 Ft. (90)	Newspaper Press (97)	90 dB(A) 4 Times As Loud
90	MODERATELY LOUD	Car Wash @ 20 Ft. (89) Prop. Plane Flyover @ 1000 Ft. (88) Diesel Truck 40 MPH @ 50 Ft. (84) Diesel Train 45 MPH @ 100 Ft. (83)	Food Blender (88) Milling Machine (85) Garbage Disposal (80)	80 dB(A) 2 Times As Loud
80		High Urban Ambient Sound (80) Passenger Car 65 MPH @ 25 Ft. (77) Freeway @ 50 Ft. from Pavement Edge, 10 A.M. (76-6)	Living Room Music (76) TV-Audio, Vacuum Cleaner (70)	70 dB(A)
70	QUIET	Air Conditioning Unit @ 100 Ft. (60)	Cash Register @ 10 Ft. (65-70) Electric Typewriter @ 10 Ft. (64) Dishwasher (Rinse) @ 10 Ft. (60) Conversation (60)	60 dB(A) 1/2 As Loud
60		Large Transformers @ 100 Ft. (50)		50 dB(A) 1/4 As Loud
50	JUST AUDIBLE	Bird Calls (44) Lower Limit, Urban Ambient Sound (40)		40 dB(A) 1/16 As Loud
40		[dB(A) Scale Interrupted]		
10	THRESHOLD OF HEARING			
0				

Source: Melville C. Branch, et al., Outdoor Noise and the Metropolitan Environment,
(Los Angeles: Department of City Planning, 1970), p. 2.

* * *

Finally, the third characteristic of sound is duration, or how long it lasts.

Duration of Sound

One of the characteristics of a sound is duration - how long it lasts. You hear an airplane approaching, its sound reaches a maximum as it flies overhead, and its sound diminishes and dies as the plane disappears. The change in sound pressure level can be charted as a hill-shaped curve that clearly illustrates the duration of sound. Often, when examining airport noise, we are concerned with durations defined as the amount of time the sound pressure level remains within 10 dB of the maximum sound pressure level during the flyby. Duration is illustrated in Fig. 6.

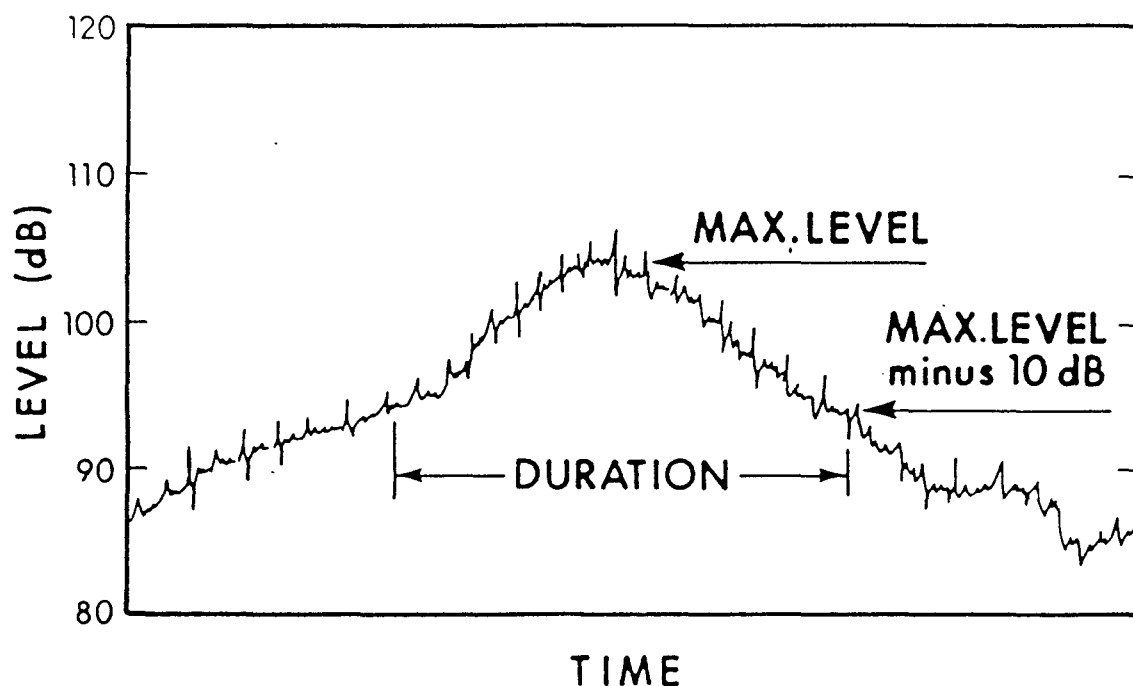


FIG. 6. ILLUSTRATION OF DURATION OF SOUND.

WITNESS STATEMENT

NAME PHILIP W. CONOVER BILL No. HB68
ADDRESS 7746 CANYON FERRY ROAD HELENA 59601 DATE 1/14/83
WHOM DO YOU REPRESENT SELF + WIFE (LAND OWNERS)
SUPPORT ✓ OPPOSE AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments: We ~~live~~ LIVE APPROXIMATELY 3/4 OF A MILE FROM THE
EDGE OF THE LAKE (CANYON FERRY) AND WE ARE DISTURBED
BY THE NOISE OVER SOME OF THE WEEK-ENDS. FOR THOSE
WHO LIVE ON THE LAKE FRONT IT IS UNBEARABLE. WE
HAVE VISITED SOME OF THESE PEOPLE. WE LIVE ON OUR
PROPERTY YEAR ROUND. WE ARE NOT MEMBERS OF CANYON FERRY
RECREATION ASSOCIATION, BUT WOULD DESIRE MEMBERSHIP
IN THE FUTURE

WITNESS STATEMENT

NAME Luella Balkema BILL No. HB 68
 ADDRESS 5585 York Rd Helena DATE 1-19-83
 WHOM DO YOU REPRESENT Lake Homeowner
 SUPPORT Yes - OPPOSE _____ AMEND _____
 PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

There are controls on nearly all motorized vehicles other than boats. Sound carries over water excessively.

We live on the lake at Hauser. The noise level submitted by many boats on the lake is excessive. There are times that inside the house you cannot carry on a conversation because of the noise.

I feel this bill would protect the rights of homeowners on the lakes. I feel for approved races the requirement of control should be lifted.

WITNESS STATEMENT

NAME Alice Omon BILL No. HB 68
ADDRESS 5647 York Road DATE 1/19/83
WHOM DO YOU REPRESENT Homeowner - Lake
SUPPORT ☒ OPPOSE ☐ AMEND ☐

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

We live right on the lake at Hauser Lake and over the years have been increasingly concerned about the noise level emitted by many boats that use the lake. There are times when we are sitting on our patio, which is at least 50 feet back from the lake, and we have to stop talking when one of these boats go by or we cannot hear each other speak. There have been times when they just circle around in front of the house, making it impossible to hold a discussion of any kind.

South Africa even has limits on noise levels on their boats, according to a young man I met from there.

Ex. 7

WITNESS STATEMENT

NAME Robert J. OMAN BILL No. HB 68
ADDRESS 5647 York Rd DATE 1/19/83
WHOM DO YOU REPRESENT Home Owner - Hauser Lake
SUPPORT ✓ OPPOSE AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

As a landowner I think noise pollution on boats should be regulated to the extent that they are muffled down some. Sitting in our house you can not even hear when some of these loud boats go by.

I would not be against boat races, etc which are regulated but I do think just for pleasure boats they should be limited.

Robert J. Oman

WITNESS STATEMENT

NAME MARIC RADCLIFFE BILL No. 4B 60
ADDRESS 3648 E SHORE DRIVE DATE 1-19-83
WHOM DO YOU REPRESENT _____
SUPPORT ✓ OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

I HAVE LIVED ON MAGPIE BAY FOR
15 YEARS - DURING THIS PERIOD I HAVE
OBSERVED ONLY A FEW HOT ROD BOAT
OWNERS SPOIL THINGS FOR MANY - SOMETIMES
THE NOISE FROM STRAIGHT PIPE MOTORS
IS SO LOUD YOU CANT CARRY ON A
CONVERSATION OVER 100 TO 200 FEET
AWAY - MOST OF THE BOATS IN VIOLATION
OF PROPER NOISE LEVELS ARE NOT REGISTERED.
SOME OF THESE BOATS HAVE NOT BEEN
REGISTERED FOR 3 YEARS.

1 (7) "Public view" means any point 6 feet above the
2 surface of the center of a public road from which junk
3 vehicles can be seen.
4 (8) "Shielding" means the construction or use of
5 fencing or manmade or natural barriers to conceal junk
6 vehicles from public view."

7 Section 2. Section 75-10-503, MCA, is amended to read:
8 "75-10-503. Adoption of rules. The department shall
9 adopt rules necessary for the administration of this part,
10 except 75-10-520, including but not limited to rules
11 pertaining to:

12 (1) the establishment, control, operation, and
13 licensing of motor vehicle wrecking facilities and
14 graveyards;

15 (2) the control of junk vehicles in locations other
16 than motor vehicle wrecking facilities and graveyards;

17 (3) the inspection and evaluation of premises and
18 records subject to or required by this part;

19 (4) the development of budget and fiscal forms and
20 procedures for counties;

21 (5) the review, approval, and control procedures for
22 county motor vehicle graveyards developed under this part;
23 and

24 (6) the shielding of a junk vehicle and motor vehicle
25 wrecking facility and graveyard from public view. The

1 department may not adopt a rule which requires the
2 construction of any motor vehicle wrecking facility that
3 existed prior to July 1, 1973, and has been continuously
4 utilized thereafter as a motor vehicle wrecking facility to
5 construct a fence or manmade barrier which would be in
6 excess of 12 feet in height."

7 Section 3. Section 75-10-504, MCA, is amended to read:

8 "75-10-504. Shielding -- new facility. A new motor
9 vehicle wrecking facility or graveyard site established or
10 proposed on or after July 1, 1973, may not be approved for
11 use or licensed if the proposed facility cannot be shielded
12 from public view. On the date it is initially established
13 or proposed to the prohibition concerning approval of a
14 new motor vehicle wrecking facility site does not apply to a

15 facility site that has been used as such within the
16 preceding 18 months."

17 NEW SECTION. Section 4. Saving clause. This act does
18 not affect rights and duties that matured, penalties that
19 were incurred, or proceedings that were begun before the
20 effective date of this act.

21 NEW SECTION. Section 5. Severability. If a part of
22 this act is invalid, all valid parts that are severable from
23 the invalid part remain in effect. If a part of this act is
24 invalid in one or more of its applications, the part remains
25 in effect in all valid applications that are severable from
the invalid applications.

-End-

The prohibition concerning approval of a new
motor vehicle wrecking facility or grave-
yard site does not apply to a
facility site that was licensed as
such at any time within the 18
months immediately preceding the
date an application is made for
licensure of such site.

STANDING COMMITTEE REPORT

January 15, 1933

MR. SPEAKER:

We, your committee on NATURAL RESOURCES

having had under consideration HOUSE Bill No. 68

First white

A BILL FOR AN ACT ENTITLED: "AN ACT LIMITING NOISE EMISSIONS FROM MOTORBOATS; PROVIDING MAXIMUM NOISE LEVELS; REQUIRING TESTING AND CERTIFICATION OF OUTBOARD MOTORS AND MARINE ENGINES; PROHIBITING REMOVAL OF NOISE SUPPRESSION DEVICES; ALLOWING CERTAIN EXCEPTIONS; PROHIBITING CONTRADICTORY REGULATIONS; AMENDING SECTION 23-2-302, ETC. AND PROVIDING A DELAYED EFFECTIVE DATE."

Respectfully report as follows: That HOUSE Bill No. 68

be amended as follows:

1. Page 3, lines 10 and 11.

Following: "airboat"

Strike: "when used by a utility company in the course of business"

Insert: "(5) a motorboat that is certified by the department as being technologically incapable of complying with the noise levels prescribed in [section 1]"

2. Page 3, lines 12 and 13.

Strike: "Contradictory regulations prohibited."

Insert: "Local government authority. (1)"

3. Page 3, line 19.

Following: "5]."

Insert: "(2) The department shall adopt rules which establish guidelines for the issuance of permits by local public entities under [section 4] — and no permit may be issued that does not comply with the department's rules."

XXXXXX

DO/PASSS ATTENDED

DO PASS

STATEMENT OF INTENT ATTACHED

AL HARPER, Chairman.

MR. SPEAKER:

WE, YOUR COMMITTEE ON NATURAL RESOURCES, HAVING HAD UNDER CONSIDERATION HOUSE BILL NO. 68, FIRST READING COPY (WHITE), ATTACH THE FOLLOWING STATEMENT OF INTENT:

STATEMENT OF INTENT
HOUSE BILL NO. 68

A statement of intent is required for this bill because it delegates rulemaking authority to the Department of Fish, Wildlife, and Parks to adopt rules prescribing:

(1) the manner of certification by manufacturers of outboard motors and other marine engines manufactured after January 1, 1982, as having been tested and found to comply with the noise level limit in section 1;

(2) the testing procedures employed to determine compliance on a voluntary basis by owners of outboard motors and other marine engines manufactured before January 1, 1982;

As prescribed in section 2 of the bill, the testing procedures employed to determine outboard and marine engine noise must comply with the exterior sound level measurement procedure for pleasure motorboats recommended by the society of automotive engineers in its recommended practice designated SAEJ34. The Department shall establish a program throughout the state whereby boaters can voluntarily have their motorboats checked for compliance with the noise level limit in section 1.

(3) the guidelines for the issuance of permits by local public entities excepting certain motorboat operators from compliance with the noise level restrictions contained in sections 1 through 5; the department's guidelines shall only pertain to permit application procedures, permit fees, and duration of permit validity; and

(4) the procedures employed to determine whether or not a motorboat is technologically capable of complying with the noise level limits established in section 1.

As prescribed in section 4 the department shall establish a manner of certification of motorboats that are determined to be technologically incapable of complying with section 1.